

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
D E P A R T M E N T O F H E A L T H

Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

C94-171B

In the matter of:
Ho Y. Lee, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Ho Y. Lee, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by Investigating Committee II, so called, of the Board.

Investigating Committee II reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Investigating Committee's Findings of Facts with respect to the professional performance of the Respondent.

Findings of Fact

1. The Respondent, Ho Y. Lee, M.D., a pathologist, was the Director of Laboratory Services at a state hospital. During this period, the American Society of Cytology and the

Department of Health conducted a survey of cytology services at the hospital. As a result of this survey, the hospital was cited for, inter alia, a failure to incorporate federal standards established by the Clinical Laboratory Improvement Act of 1988.

2. The Respondent was responsible, as Director of Laboratory Services, for assuring that the quality assurance program at the laboratory met state and federal requirements.

3. The Respondent has violated R.I.G.L. 5-37-5.1(19) for failing to adhere to Rules and Regulations promulgated by the Director of Health.

The Parties agree as follows:

(1) The Respondent is a physician who is licensed and doing business under and by virtue of the laws of the State of Rhode Island, allopathic license number 4460.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on the Respondent until final ratification by the Board.

(4) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for those specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the "Consent Order" is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The

composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written findings of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

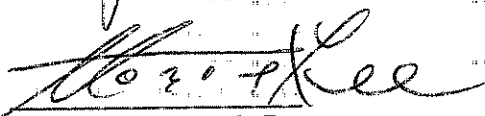
(5) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent accepts the sanction of a Reprimand. The Respondent is required to pay an Administrative Fee of Five Hundred (\$500.00) Dollars to the Board within 60 days of ratification of this Consent Order.

Signed this 13th day of June, 1996.


Ho Y. Lee, M.D.

Ratified by the Board of Medical Licensure and Discipline
at a meeting held on *July 10*, 1996.

Patricia A. Nolan MD, MPH
Patricia A. Nolan, MD, MPH
Director of Health
Board of Medical Licensure and
Discipline